

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12412 of 2026

Arising Out of PS. Case No.-178 Year-2024 Thana- EXCISE KATORIYA District- Banka

Vivek Kumar Son of Biran Prasad Saw Resient of Mohalla- Purani Bazar,
Yoga Hotel ke samne, PS -Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Katoriya Excise P.S. case No. 178 of 2024 instituted for the offences under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act. The petitioner has earlier moved this Court for grant of anticipatory bail which was rejected vide order dated 14.05.2025 passed in Cr. Misc. No. 28382 of 2025 by a Coordinate Bench of this Court.

3. The prosecution case, in short, is that 548.805 liters liquor was recovered from pick-up vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner was not arrested on spot. It is further submitted that the name of the petitioner has transpired as being owner of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 28.01.2026 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katoriya Excise P.S. case No. 178 of 2024 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Pankaj/-

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